



# **Business Practices Analysis Criminal History Data**

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*State of Montana  
Department of Justice*

## **Interview Minutes MTDOJ Criminal Justice Information Bureau October 22, 2001**

### Individual(s) Interviewed:

Karen Nelson, Bureau Chief, Criminal Justice Information Services  
Stacye Dorrington, Section Supervisor, Criminal Records & Identification Services  
Terry Wheeling, Project Manager, Application Services Division  
Nancy Bloom, Section Supervisor, CJIS Training, Audit and Policy Section

### Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

Role in Agency: Central Repository; IT Planning; Auditing of CJIN Use

This meeting served as a project introduction meeting for key management and IT staff at the Information Technology Services Division. The meeting also served as an opportunity for a high-level review of the problems that have already been identified in obtaining accurate and timely criminal history data at the central repository.

Shortly before the meeting, Wilbur Rehmann provided TRW with a copy of the June 2000 Pilot Project outline. He indicated that the current BPA project is a modified version of Phase II and Phase III of the Pilot. He also summarized the findings of Phase I:

- A site review of Glacier County revealed that connectivity among the various local criminal justice agencies varies in standards and is of poor quality. Some facilities have poor systems for obtaining, maintaining, and exchanging information; others have no connectivity to any local or state networks.
- A site review of Lewis & Clark County found that connectivity among local agencies and connectivity with state agencies does exist. A CJIN terminal has been installed with E-Court screens so that the District Court can enter disposition information directly into the central repository; training on the use of these screens will begin on Oct. 24.

Discussion followed on the data sets that will be examined during the BPA project. These discussions are summarized below.

### MANS Number

It was suggested at this meeting that the MANS Number be added to the analysis as a separate data set rather than part of the Arrest/Fingerprint data sets. The MANS data set would consist of the number and the requesting ORI.

The MANS number has become the critical link for criminal history information but its use may not have reached the full potential because it is not “pushed” out to agencies at the time the record is established. For example, if there was a mechanism for County Attorneys to receive the information, the establishment of a new MANS with associated name information could be pushed to the appropriate County Attorney’s office after the record has been established at the central repository. This would give the County Attorney’s office a “head-up” notification that a new case will be forwarded from law enforcement.

The high-level issues identified with MANS numbers are:

- Some records continue to arrive at the central repository for events that have never been assigned a MANS number at the beginning of the criminal history cycle.
- Audits show that there are continuing problems with MANS numbers that have been issued but no subsequent cycle information has been submitted to the repository. Time and staffing constraints prevent timely follow-up of these situations.
- The linkage of MANS numbers and the Supreme Court’s JCMS central database is poor.

### Arrest and Fingerprint Data

At this time, the NEC Transaction Controller (TC) is not communicating directly with the criminal history system (CHR). Type 2 data from live scan and card scan units must be entered into the CHR system by CRIS staff, and any incorrect or non-maintainable submissions are returned to the submitting agency by mail. When the TC becomes fully operational, the CHR will screen out any submissions for statutory violations that are not maintainable in the central repository. During the interim, backlogs in entering this information at the state level can delay the effective follow-up of failures by local agencies to submit timely information to the central repository.

The new multiple-jurisdictional booking facilities are experiencing some problems in sorting out the correct jurisdiction involved in an arrest. This has resulted in some cases to incorrect ORIs being listed on the fingerprint cards and to problems forwarding the arrest information to the appropriate prosecuting agency.

The JTF Standard Rap Sheet, with some Montana-specific modifications, will be used for the creation of criminal justice and public rap sheets.

The high-level issues identified with the receipt of arrest and fingerprint data at the central repository are:

- Fingerprint cards for non-serious offenses continue to be submitted by law enforcement and booking agencies.
- Fingerprint cards for federal holds or arrests, which are not maintained in Montana's central repository, continue to be sent in to the state, although this problem is not as prevalent as it has been in the past.
- Some fingerprint cards are sent in without MANS numbers.
- Probation and Parole jail sanctions are submitted even though these events are not maintainable.
- Fingerprint cards are sent in for identification purposes only but are not marked correctly.

### Prosecutor Segment

The prosecutor information that should be included on the MANS sheet is submitted on 10% or less of all MANS sheets received by the central repository. The manner in which these sheets are used by County Attorneys differs throughout the state; there are some County Attorney offices that are not familiar with the form at all. This is the single biggest gap of criminal history information in the state.

The web portion of CJIN (CyberLynxx) has been installed at some prosecutors' offices, as well as at some investigative offices.

### Courts

The interface between the Supreme Court's JCMS (District Court) central repository and the CHR has not been implemented. An audit of JCMS data and MANS numbers indicated that a high percentage of records do not link; in addition, it appears that most District Court offices are not using the sentencing conditions screens and this information is not in the court's central repository. Specifications are still needed for the information that should come from the courts to the central repository.

The Courts of Limited Jurisdiction are in the process of installing a software program (JSI Full Court) at all locations. Justice Court in Lewis & Clark County has installed the program.

High-level issues related to the receipt of court data (in addition to the linkage problem identified above) include:

- Missing or confusing records on deferred impositions and deferred prosecutions.
- Lack of follow-up on dismissals after deferrals.
- Information sent in without MANS numbers, requiring research to determine if there is a pre-existing record that can be linked with the new information.

- Civil contempt information is sent to the central repository when only criminal contempt records are maintained. Some of these records are incorrectly shown as criminal contempt when they are actually civil cases.
- Confusing or missing information on probation and parole violations.
- Free-form text on MANS sheet that is inconsistent with other data on the form; inconsistent descriptions used from court to court or within courts to describe the same events.
- Lack of paper trail indicating the movement of a case from one court to another.

At the end of the meeting, TRW staff requested a copy of test rap sheets for both criminal justice and public use.



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### **Interview Minutes MTDOJ Criminal Justice Information Bureau Staff October 23, 2001**

Individual(s) Interviewed:

Marv Formo, Compliance Technician, Audit and Policy Section  
Michelle Kavanaugh, Compliance Technician, Audit and Policy Section

Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

Role in Agency: Central Repository Auditing and Evaluation

This meeting was intended to provide additional detail to the high-level issues identified in the earlier meeting with CJIS Bureau management staff. Discussion was organized around the data sets selected for the Business Practices Analysis.

Arrest/Fingerprint Cards

Records are usually established unless fingerprint cards are received first, although there are some exceptions when a record is being researched after the receipt of a MANS sheet. In some cases, the fingerprint card arrives at the same time as the MANS sheet.

Staff confirmed the following problems and provided additional detail:

- Non-serious offenses: Many non-serious offenses continue to be submitted to the central repository. This is a statewide problem.
- MANS and ORI Mismatches: In cases where different jurisdictions might be using a jail booking facility, incorrect ORIs may be applied to the MANS number. In addition, the 56 counties are represented by 22 District Courts; each court has an ORI but each prosecuting agency does not, causing confusion about which jurisdiction actually prosecuted a case.
- Probation and Parole Violations: In some cases fingerprint cards are received showing the original charges for which the individual was serving time, instead of the

probation and/or parole violation; as a result, there is a duplication in the entry of the original arrest. (Note: it is possible to be charged and convicted of a Title 46 probation and/or parole violation). These duplications are usually found only when a record check is made on the individual and staff is reviewing the rap sheet, or when an audit is made of delinquent dispositions. In addition, once the MANS sheets are received, the docket number or other identifiers needed to link the probation and parole violation to the original case are missing, and it is difficult to tell when of these cases went to court.

- Probation and Parole Jail Sanction Arrests: Fingerprint cards are received on these jail sanction arrests, which are not maintainable. Only the revocation of probation or parole should be maintained in the criminal history record.
- Contempt of Court: Submission of civil contempts is a statewide problem. This may occur because the law enforcement agency that arrests the individual does not know whether the warrant is for a criminal or civil case. Most contempts received by the central repository are for traffic offenses and are therefore not maintainable.
- Identification-Only Submissions: Fingerprint cards that are submitted only for identification purposes are not marked correctly so that it is clear that no further action beyond identification is needed.
- MCA and Literal Mismatch: The statutory code (MCA) and the literal description of the offense are sometimes inconsistent.
- Missing Data Element: A data element commonly missed on the fingerprint card is the country of residence.
- Additional Charges: CJIS has requested that any additional charges to be included after the MANS number has been issued and the record has been set up should be submitted with an additional MANS number. This is not done in all cases.
- Conspiracy and Attempt: Sometimes the original charge for which conspiracy or attempt is being alleged is not identified (there is a separate statutory reference for conspiracy and attempt).
- Modifiers to the Charge: Modifications to the charge that enhance the severity of the charge are sometimes listed but these are not reportable offenses.
- Prisoner transports: Some jurisdictions do not have the capability to transport individuals that have been arrested, and this task is handled by the Highway Patrol. This can cause confusion about the appropriate ORI when the individual is brought to the booking site.
- Federal arrests: The central repository is no longer receiving federal arrest information. Training efforts at the booking agencies seem to have worked in this case.

### Prosecutor Segment

CJIS staff confirmed that few of the MANS sheets include the prosecutor segment, and that a 10% estimate would actually be very high. There is no way to track the progress of charges from the original arrest through the prosecutor's action. Some of the courts indicate in the narrative portion of the Court segment that the charges were amended by the prosecutor; however, this information is not coming from the original source (i.e., the County Attorney's office).

As a result, many charges remain open on criminal history records because the central repository does not know that the charges were never filed or were dismissed by the prosecutor. This causes gaps in the criminal history cycle. State statute requires that the prosecutors notify the central repository if no charges are to be filed (44-5-213(3) MCA). Notice is not always provided to the central repository by either the prosecutor or the courts if charges are dropped.

In addition, if the prosecutor amends a misdemeanor to a felony charge, this information may not get into the central repository until the final disposition is forwarded by the Court. This can cause a gap in the individual's record that could permit an otherwise ineligible person to obtain a gun or other restricted permits/licenses.

Some confusion occurs when a case is in District Court and there is no prosecutor segment clearly indicating which County Attorney was involved in the prosecution. This occurs because there are 22 District Courts covering 56 counties.

One suggestion to solve the contempt of court problem would be to require the prosecutor to put the original charges on the arrest warrant, so that the arresting agency would know whether the contempt was for a civil or criminal case.

### Courts

Staff confirmed that they are not regularly receiving dismissals of deferred impositions and deferred prosecutions. The "goldenrod" copy of the MANS sheet should be used for these actions. This can be a problem at both the court and prosecutor levels because an arrest charge can be deferred by the prosecutor prior to the actual filing of formal charges in court.

Staff also indicated that they get copies of court orders without the MANS sheet or MANS number, requiring research to link the order to a pre-existing record.

The process of moving charges from Justice to District Court (and vice-versa) does not get reported properly to the central repository because of gaps in reporting the movement of the charges. Different jurisdictions use different processes to move the MANS sheet from court to court. There are no formal guidelines from the CRIS Division regarding this matter. It is possible for charges to be split between the courts, and if one court takes action before the other, the arrest cycle is closed for the MANS number. If the other court fails to report the disposition on the remaining charges, those charges will continue to appear on the individual's record. This is a particular problem (and can commonly occur) if the misdemeanor charges are disposed, closing the cycle, but the felony is still pending in District Court.

Plea agreement information does not usually appear on the MANS sheet and is not received by the central repository unless the court order includes this information and the

central repository staff have time to review the court order. Post-conviction relief occurring after trial is also not received by the repository.





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### **Interview Minutes MTDOJ Criminal Justice Information Bureau Staff October 25, 2001**

Individual(s) Interviewed:

Walt Joyce, Program Specialist, Audit and Policy Section  
Diane Duffield, Compliance Specialist, Audit and Policy Section

Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

Role in Agency: Central Repository Auditing and Evaluation

Walt and Dianne identified some of the problems they have identified through research and auditing of criminal history information data. These problems include:

- Local law enforcement agencies hold a fingerprint card until a disposition is available. Reasons given for this delay usually involve lack of time and staff.
- Intra-agency conflicts at the local level interrupt the flow of information between those agencies and the flow of information to the state.
- Local agencies are not aware of the statutory requirements to submit arrest and disposition data within specified times.
- Local agencies are not aware of the importance of the data to other jurisdictions and to the central repository.

MANS numbers are frequently requested for non-reportable offenses or arrests. Staff think part of this is because there is not enough time (or sufficient training) for booking staff to determine whether a MANS number is needed, so all bookings routinely include a MANS number. After the booking has been completed, other agency staff – or the central repository – is left to sort out which arrests should have been issued numbers. This can result in incorrect submissions of fingerprint cards to the central repository. It can also result in MANS numbers without any associated fingerprint cards if the agency fails to inform the central repository that the MANS was requested in error.

Some agencies are not aware of the CJIN message M\*ANX which is to be used to cancel the MANS before the fingerprint card has been submitted. However, if the fingerprint card has already been submitted, the message cannot be used and the repository will return the card if it is non-maintainable.

In addition, the Department's Administrative Rules still require that MANS numbers be issued for all bookings. No revision has been done in recent years to the rules.

#### Audit and Research Findings

New reports from the criminal history system, site audits, and AFIS are providing the capability to do further research on information flow problems. These reports will allow a comparison of MANS numbers requested and fingerprints submitted, non-serious offenses returned, and live scan errors. Although the reports will not provide a one-to-one match on each error, they will assist audit staff in determining trends. These findings will assist in training efforts at specific agencies.

The live scan reports on rejections for quality problems have been requested by some booking agencies on a regular basis so that operator problems can be identified and handled within that agency.

#### Probation/Parole Violations

Staff confirmed that in previous years the state required all probation and parole violations to be issued a MANS number at booking; this was done because of inconsistent treatment throughout the state. However, the current instructions are to delay the issuance of a MANS number until after court action. A letter regarding this matter will be sent to all booking sites.

#### Other Problems

Staff identified some additional problems in local agency information:

- Fingerprints submitted for identification purposes are not clearly marked as such. Agencies are told to indicate this in the MANS space or in the charging field. The Live Scan units have this function but it has not been implemented yet.
- NTAs do not always result in fingerprinting, even after the individual appears in court.
- Prosecutor information is not forwarded to the central repository.



## **Business Practices Analysis Criminal History Data**

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### **Interview Minutes CJIS Bureau Staff/Follow-Up October 31, 2001**

Individual(s) Interviewed:

Nancy Bloom  
Marv Formo  
Diane Duffield  
Michelle Kavanaugh

Interviewers:

Janet Jessup, TRW

The interview was held to discuss some of the topics that had come up during the interviews of local agencies and to review some of the statutes identified by CJIS staff as confusing to local agencies.

Most of the “problematic” statutes involve Title 46. It appears that the state needs to determine if the information can legally be retained in the central repository, whether the information should be retained in criminal history records, and how this information should be relayed to the state. The issues are more clear for certain statutes, such as 46-18-203, which all agreed should be retained. These statutes are:

46-6-212 Failure to Appear Following Summons or NTA  
46-6-503 Violation of Release Conditions – Forfeiture  
46-9-505 Issuance of Arrest Warrant (literal definition of Bail/Bond revocation)  
46-18-203 Revocation of Suspended or Deferred Sentence  
46-23-1012 Probation Violation

Staff viewed Restitution Orders and No Bond Warrants as failures to meet the conditions of a court order. They were not sure if these should be retained in CHR but did not think it was likely.

Staff confirmed that they are not getting consistent information on cases that have been appealed. They may not get any information on the appeal at all, or a new MANS

number and sheet may show up without any link to the original disposition or arrest. A decision is probably needed on how the CJIS Bureau wants local agencies to handle appeals.

Staff indicated that the single fingerprint on the MANS sheet was not mandatory and that it was less important with improved electronic data and identification systems. Training sessions for local agencies still includes the fingerprint as a suggestion.

Copies of judgements are not requested from the courts. The Lewis & Clark District Court was sending in judgements only as part of the review of JCMS data.

Fingerprint cards received from DOC are:

Inmate Intake: received electronically from the Montana State Prison; other facilities may send them by mail.

Revocations: MSP sends these as Probation/Parole Violations; it is not always clear that these are revocations with a return to inmate status

Executive Pardons: These are very rare. The pardon is received from the Secretary of State's office and research is required to link the pardon to a specific record.

There are problems with linking court docket numbers, including the court docket number indicated on the DOC intake cards. It appears that some of the problem can occur at the court level but sometimes DOC does not include the correct number or the formatting used is different, leading to linking problems in an electronic environment. It appears that the paper copies of judgements can have a slightly different numbering format than JCMS allows, so that the numbers are similar but not identical.

The pilot project with the Lewis & Clark District Court for the entry of dispositions into a Cyberlynxx terminal is going very well. CJIS staff have told the court to toss the MANS sheets for dispositions entered in this manner.

**Information Centric View Table, Lewis & Clark County**  
**MTDOJ Business Practices Analysis**

The following information on data sets developed for criminal history records was derived from interviews conducted on October 23-Nov. 2, 2001, with criminal justice agencies in Lewis & Clark County and the City of Helena. Errors in the representation of this information may result from confusion caused by different terminology used in the various agencies and from the limited time available to identify all possible variations of triggering events.

This table is based on preliminary research contained in the SEARCH report entitled *Planning the Integration of Justice Information Systems: Developing Justice Information Exchange Points* (Search, March 2000). It does not reflect recent and ongoing modifications to the research model.

***Notes:***

1. An asterisk denotes gaps in information flow or inconsistencies in internal procedures.
2. If no action is taken to create criminal history information for the CJIS Central Repository, the entry under the Receiving Agency and Subsequent Events columns will be labeled as "none."

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
Arrest	Helena Police Department and L&C Sheriff's Office (officers)	Physical Arrest after incident	Officer requests MANS number from SSD Dispatch	SSD Dispatch (radio, phone call)	Dispatch obtains MANS number through CJIN inquiry; relays number to jail
		Offender taken to booking after arrest	Offender brought to booking at the L&C Jail; MANS number has been relayed to booking staff by Dispatch	Jail booking unit (in person)	Jail booking unit completes MANS sheet; forwards sheet to SSD to be dispersed to City Court or Justice Court
		Arrest on Arrest Warrant Issued for Contempt of Court	Offender brought to booking at the L&C Jail	Jail booking unit (paper copy of arrest warrant)	Jail booking unit reviews arrest warrant to try to determine if the case is criminal or civil; MANS sheet filled out if the case is criminal or if it is not clearly marked;* forwarded to SSD to be dispersed to City or Justice Court
		Arrest on Arrest Warrant (other than contempt)	Offender brought to booking at L&C Jail	Jail booking unit (paper copy of arrest warrant)	Jail obtains MANS number and completes MANS sheet; offender fingerprinted; MANS sheet forwarded to SSD
		Police or Sheriff's report prepared on arrest	Report delivered to County Attorney's office	County Attorney (paper form)	County Attorney reviews report and makes charging decision
	Jail Staff and Support Services Division	Offender has been booked and is being transferred to Justice Court for Initial Appearance	MANS sheet is taken along with the offender to Justice Court	Justice Court (paper MANS sheet)	Justice Court adds MANS sheet to court docket file

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	Jail Staff and Support Services (cont.)	Booking as result of City, Justice or District Court order	Court has ordered offender to booking for fingerprinting; MANS number obtained and MANS sheet prepared by jail to be returned to Court	City, Justice or District Court (paper MANS sheet delivered to court)	Court adds MANS sheet to court docket file
		Fingerprinting at booking	Offender fingerprinted by live scan	MTDOJ CJIS Bureau (electronic transmission, AFIS)	AFIS establishes new fingerprint record or identifies fingerprints as associated with previous SID
		Federal arrest	Offender brought to jail to be held (no fingerprinting or MANS issuance)	None	None
		Intra-jurisdictional Writs for Custody	Offender brought to jail to be held pending trial or provision of testimony (no fingerprinting or MANS issuance)	None	None
		Booking related to probation violation	Offender brought to jail to be held pending court action (no fingerprinting or MANS issuance)	None	None
		Booking related to parole violation	Offender brought to jail to be held for preliminary hearing by DOC (no fingerprinting or MANS issuance)	None	None
		Booking related to jail sanction for probationer/parolee	Offender brought to jail to be held pending DOC Probation and Parole action	None	None
	Probation & Parole	Arrest resulting from probation violation	Offender brought to jail for booking	Jail (in person)	Booking for jail custody prior to court action; no MANS number or MANS sheet requested

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	Probation & Parole (cont.)	Arrest resulting from parole violation	Offender brought to jail for booking	Jail (in person)	Booking for jail custody pending on-site preliminary hearing by DOC; no MANS number or MANS sheet requested
		Probation/parole violation by out-of-state offenders supervised by DOC	Offender brought to jail for booking	Jail (in person)	Booking for jail custody pending hearing or court action; no MANS number or MANS sheet requested
		Imposition of Jail Sanction	Offender brought to jail for booking	Jail (in person)	Booking for jail custody pending further action by Probation Officer; no MANS number or MANS sheet requested
<b>Prosecutor Charges</b>	County Attorney	County Attorney decides to file charges based on police or sheriff's report	County Attorney prepares Information and Complaint	Justice Court (paper form)	Justice Court enters initial appearance information on MANS sheet and signs MANS sheet; file maintained in Justice Court unless case is referred to District Court
		County Attorney declines to file charges	County Attorney requests dismissal of charges	None	Justice Court dismisses charges and records dismissal on MANS sheet
		County Attorney decides to change the severity of charges from those on the original arrest record	County Attorney lists new charges on the Complaint	Justice Court (paper form)	County Attorney contacts jail to change the MANS sheet*
		County Attorney decides to split misdemeanor and felony charges between Justice and District courts	Complaint sent to each court	Justice and District Courts (paper form)	Justice Court retains MANS sheet and enters disposition when a decision is reached on the misdemeanor(s); MANS sheet is then transferred to District Court*



DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	County Attorney (cont.)	Judgement prepared following court decision	County Attorney prepares Judgement for Judge's signature	Justice or District Court (paper form)	Court enters disposition information in court records management system and inputs disposition on MANS sheet
		Plea agreement reached before charges are filed	County Attorney prepares Complaint reflecting plea agreement	Justice or District Court (paper form)	Court enters disposition information in court records management system and inputs disposition on MANS sheet
		Plea agreement after filed charges	County Attorney prepares Judgement reflecting plea agreement	Justice or District Court (paper form)	Court enters disposition information in court records management system and inputs disposition on MANS sheet
		County Attorney receives police report with request for prosecution	County Attorney issues Notice to Appear (NTA)	Civil departments in Police Department or Sheriff's Office (paper form)	Defendant is served; Complaint and NTA filed in court for initial appearance
		County Attorney files Restitution Order, Petition to Revoke Bond (with No-Bond Warrant), and Writs for custody	County Attorney files required documents in court and obtains arrest warrant or order	Justice (or District Court if case is an existing felony case) (paper form)	May result in arrest warrant; at the time of arrest and booking, no MANS number is requested
<b>Disposition</b>	City Court	City Court receives Notice to Appear	City Court staff pick up NTAs each morning from a designated mailbox in the Law Enforcement Facility	City Court (internal transfer)	Court staff calls jail to find out which offenders will be brought to the initial appearance that morning; staff use personal identifiers on NTA for court records and for arrest warrant
		Initial appearance in City Court of defendant in custody	Defendant is brought over to Court along with the MANS sheet	City Court (paper form)	City court staff attaches MANS sheet to docket file

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	City Court (cont.)	Initial appearance in City Court resulting from a Notice to Appear	Judge orders defendant be “booked and released” using a City Court Arraignment/Advisal of Rights form	Jail booking unit (paper form)	Jail books according to Judge’s instructions; MANS sheet prepared if appropriate and is sent to SSD to be forwarded to City Court
		City Court decision rendered	City court records judgement in court records management system and on MANS sheet if maintainable charge	CJIS Central Repository (paper form)	MANS sheets are mailed once a week to central repository
		City Court issues warrant for arrest for contempt of court	Warrant is prepared by City Court staff with statute identified for the original violation; in addition, criminal cases are marked “Criminal”	Forwarded to Police Department (paper form)	Police department arrests and books the defendant; criminal cases receive MANS number and MANS sheet
		Court receives Probable Cause Affidavit and NTA from Police Department	Judge issues arrest warrant after review of affidavit and NTA	Police Department (paper form)	Police department receives arrest warrant
		Minor in possession conviction in City Court	City court records disposition in court records management system	Not forwarded	Authorized inquiries for this information must go to the individual court to obtain any information
		City Court issues No Contact Orders	City court staff records order to be relayed to Police Department	SSD (fax)	SSD staff enter order in CJIN hot file
		City Court issues Protection Order	City court staff records order to be relayed to the Police Department	Police Department Civil Bureau (fax)	Civil Bureau forwards the Order to SSD for entry in CJIN hot file

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	Justice Court	Defendant in misdemeanor case is sent over to Justice Court for initial appearance following arrest and custody	Defendant is escorted from jail to Justice Court, along with MANS sheet	Justice Court (paper form)	If charges are filed, MANS sheet is retained by Justice Court for the docket file
		Defendant in felony case is sent over to Justice Court for initial appearance following arrest and custody	Defendant is escorted from jail to Justice Court, along with MANS sheet	Justice Court (paper form)	If charges are filed, a preliminary hearing is scheduled and MANS sheet is sent to the County Attorney*; County Attorney files charges in District Court
		Defendant appears in Justice Court in response to NTA and is sent to booking for fingerprinting	Justice Court generates Appearance Sheet for booking purpose	Jail Booking Unit (paper form)	Booking occurs pursuant to court instructions; MANS number and MANS sheet prepared and sent to SSD for distribution to Justice Court
		Court decision on case split between Justice Court (misdemeanor charges) and District Court (felonies)	Justice Court records disposition in court records management system and on MANS sheet; MANS sheet forwarded to District Court	District Court (paper MANS sheet)	Misdemeanor case decision is reported to CJIS central repository when the District Court decision is added to the MANS sheet and mailed to the state; if the misdemeanor is dismissed by the County Attorney, the MANS sheet is transferred to the County Attorney*

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	Justice Court (cont.)	Plea agreement results in reduction of felony case to misdemeanor	Court records disposition in court records management system and on MANS sheet; MANS sheet indicates conviction was result of a plea	CJIS Central Repository	MANS sheet mailed to central repository
		Court decision in Justice Court case	Court records disposition in court records management system and on MANS sheet	CJIS Central Repository	MANS sheet mailed to central repository
		Justice Court decision appealed to District Court	Justice Court sends case file to District Court	District Court (paper file)	MANS sheet remains in file; no report is made to CJIS Central Repository of Justice Court conviction*
		Probation Violation adjudicated for domestic violence cases	Justice Court reviews Petition from County Attorney	Unclear	Probation violations filed as Title 46 offenses will result in new MANS number and new MANS sheet; not clear if this occurs for all petition to revoke cases*
	District Court	District Court receives request from County Attorney for docket number for new case	District Court Clerk issues docket number	In person	Docket number included in County Attorney's Information and other documents
		County Attorney files charges in District Court	Information and MANS sheet transferred from County Attorney* to District Court	District Court (paper file)	District Court enters identifying information from MANS sheet into JCMS; if additional names are on the Information filed by the County Attorney's office, these names are entered into JCMS but not added to the MANS sheet

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	District Court (cont.)	District Court checks to see if MANS number exists for docket number	District Court reviews files and RMS data; informs judge if defendant needs to be booked	Jail Booking Unit (paper form)	Offender is booked according to instructions on the Court Appearance Form; MANS number obtained and MANS sheet prepared
		Charges amended by court action	District court action recorded by Court Clerk	Internal	Clerk enters changes into JCMS*
		Judgement signed by District Court Judge	Judgement prepared by County Attorney's office is signed by the judge and information on the disposition is entered on the MANS sheet	CJIS Central Repository (paper form)	Completed MANS sheet is mailed to the state; mailings are done daily; paper copy of judgement attached
		Judgement signed by District Court Judge ( <u>new pilot program sponsored by MTDOJ</u> )	Disposition information is entered into the CJIN court screens as part of the MTDOJ's pilot project using CyberLynxx	CJIS Criminal History Records Systems (electronic)	Information goes directly into the central repository's database in a lights-out environment
		Deferred case disposed by District Court	Court clerk uses "goldenrod" copy of MANS sheet to inform CJIS Central Repository of final action in the case, if the goldenrod copy is still available (i.e., file has not been imaged)	CJIS Central Repository (paper form)	CJIS staff enter disposition data into the criminal history record
		District Court receives case on appeal from Justice Court	File forwarded from Justice Court; unclear to District Court if MANS sheet is included; County Attorney may indicate individual needs to be fingerprinted	Unclear	Unclear*

DATA SET	AGENCY	EVENT	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
	District Court (cont.)	District Court case appealed to Supreme Court	Appeal information entered into JCMS; no information forwarded to CJIS central repository*	None	None
		Case disposed by plea agreement	Information on plea entered into Sentence Review document, not on MANS sheet*	None	None
		Post-conviction relief awarded by District Court	Court clerk enters new judgement on goldenrod copy of MANS sheet; judgement may be attached	CJIS Central Repository	CJIS staff enter disposition data into the criminal history record
		Case referred to District Court by a Notice to Appear	County Attorney sends NTA to District Court	District Court (paper form)	Court clerk looks for MANS number associated with NTA; if there is not one, clerk asks judge to direct offender to be booked



# **Business Practices Analysis Criminal History Data**

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*State of Montana  
Department of Justice*

## **Interview Minutes Lewis & Clark County Attorney October 24, 2001**

### Individual(s) Interviewed:

Leo Gallagher, L&C County Attorney  
Shelley Gleich, Support Staff, County Attorney's Office

### Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

### Role in Agency: Prosecution

County Attorney Gallagher and Ms. Gleich provided an overview of the process used to receive and move criminal history information; in addition, they described events that may trigger booking events.

### Post-Arrest Activities

Each morning by 9-10 am, the Police Department and the Sheriff's Office bring over reports related to arrest that occurred in the past 24-hours. These reports include:

- Police Report (on the incident)
- Criminal history background check

The County Attorney reviews the reports and makes a charging decision by noon, in preparation for the initial appearance for the defendant in Justice Court at 1:00 pm. An Information and Complaint is prepared by the County Attorney for this appearance. The jail staff brings the defendant to the initial appearance and brings the MANS sheet to Justice Court at that time. The County Attorney's office never receives the MANS sheet at any point of the arrest/prosecution/disposition process.

Judge Jewell fills out the information on the initial appearance on the MANS sheet. If the case is being moved to District Court, the entire file including the MANS sheet is forwarded to District Court.

If the County Attorney decides during his review of the police report that misdemeanor charges should be dismissed and replaced with felony charges, his office will let both the jail and Justice Court know of this change. The felony charges will appear in the complaint prepared for the initial appearance. The jail changes the MANS sheet to reflect this modification.

Judgements are prepared by the County Attorney's office. In format, they differ in the specifics of the case but virtually all the conditions listed in the judgement are the same from case to case.

Most cases involving both misdemeanor and felony charges are consolidated into one complaint and are adjudicated in District Court. However, if the charges are split between Justice and District Court, the County Attorney's office believes that the MANS sheet stays with the Justice Court through to the disposition of the misdemeanor charges and then is forwarded to the District Court. There could be a lag in time for the form to be forwarded, resulting in the complaint going to District Court without the MANS sheet.

Plea agreements reached by the County Attorney before charges have been filed in court will be reflected in the complaint prepared for the initial appearance. If a plea agreement is reached after charges have been filed, a written plea agreement (which is signed by the defendant) is prepared and the plea agreement is reflected in the judgement.

Deferred prosecution is very rare in Lewis & Clark County. It can occur either before or after charges are filed; if it occurs after, the Judge assigned to the case must sign off and the action becomes a matter of court record. Deferred sentences must be processed through the court and are reflected in the judgement.

#### Exceptions to Physical Arrest

The County Attorney may receive a police report with a request for prosecution that is not preceded by an arrest. If a decision is made to prosecute, a complaint is filed along with a Notice to Appear (NTA) which includes a directive for the defendant to appear for booking before the initial appearance. Usually the individual shows up for the court appearance without going to booking; at that time, the Justice Court generates a Justice Court Defendant Appearance Record and sends the individual to the jail for fingerprinting. The same process can occur if the person is going directly to District Court, which has a very similar form used for the same purpose; however, this is a rare occurrence since most cases go to Justice Court at the outset. The Justice Court Defendant Appearance Record can also be used to release someone on their own recognizance after fingerprinting.

#### Other Events that May Trigger Booking

The following events may also trigger booking of an individual:



- Restitution Order: If an individual has failed to make required restitution, the County Attorney receives a report from the Restitution Officer and generates an Order to Show Cause on why the state should not revoke probation. This may result in an arrest warrant for the individual if they cannot be found to receive the order.
- Petition to Revoke Bond: If an individual has failed to abide by their bail conditions, an affidavit is prepared for the issuance of a No-Bond Warrant. When the person is arrested, bond is not allowed. The County Attorney believes there is an agreement not to use MANS numbers for these bookings.
- Writs Related to Custody in Other Jurisdictions: Writs may be issued to move an individual from custody by the federal government or another state in order to prosecute them in Lewis & Clark County. Another writ is used to transfer a prisoner in federal custody to this county for testimony. The County Attorney does not know if these events always lead to booking and whether a MANS number is used.

#### Documents

Copies of the Information and Complaint, Judgement, Warrant of Arrest, and a Justice Court Defendant Appearance Record were provided.



## **Business Practices Analysis Criminal History Data**

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*State of Montana  
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### **Interview Minutes City of Helena City Court October 26, 2001**

Individual(s) Interviewed:

Karen Bryson, Clerk of the City Court/Substitute City Judge

Interviewers:

Wilbur Rehmann, MCJISP

Janet Jessup, TRW

Role in Agency: Directs and manages court administrative actions; serves as Substitute City Judge

Automation Effort

The JSI Full Court software has been fully installed at the City Court and new cases are being entered into the system. Legacy data is added as staff has time. The ultimate goal for the Courts of Limited Jurisdiction is to have a central repository located at the Supreme Court Administrator's Office. Helena PD is also looking at a citation interface between the LogiSys system and Full Court, so that citation data could be transmitted directly to the court's database.

Wilbur explained that the CJIN terminal with the M\*ECourt data screens has been installed at the District Court, and that the state's plan is to install the same system at City Court.

Processing Offenses through City Court

Virtually all cases come to the City Court by using a Uniform Notice to Appear (NTA); a copy of this form was provided. Personal identifiers are included on the form including a date of birth, which is needed if a warrant is to be issued as a result of the NTA. The NTA is used for all types of cases including the Title 45 violations that will eventually be forwarded to the CJIS central repository.

For individuals that are in jail custody, the process is as follows:

1. City Court staff picks up NTAs at the Law Enforcement Facility next door.
2. City Court staff calls the jail to find out which offenders are in custody and will be brought over to City Court that morning.
3. When the prisoners are brought over to Court, the MANS sheet is also brought to the Court.
4. If the individual has been picked up on an arrest warrant from the City Court, City Court will receive this information when they stop by Dispatch each morning; this information will include the Probable Cause Affidavit and a copy of the warrant.
5. The MANS sheets are attached to the City Court file when they are received.

For individuals that have received an NTA but are not in jail custody, the process is as follows:

1. When the offender arrives in Court, the City Judge will order that the offender be “booked and released” and returned to Court. This is done by using a City Court Arraignment/Advisal of Rights Form (copy provided).
2. As part of the booking, the jail completes a MANS sheet at that time and sends it back with the offender to City Court.

If a case does not begin with an arrest but with a police investigation, the police office prepares a Probable Cause Affidavit and a NTA in order to request an Arrest Warrant from the court. If the judge issues the warrant after reviewing these materials, the warrant is sent back to the Police Department.

#### Dispositions

When a case is disposed, the City Court staff records sentencing information on the MANS sheet, which has been retained in the court file. The MANS sheets are mailed to the state’s central repository. Mailings are done once a week. The City Court staff is aware that traffic and city ordinance cases are not to be forwarded to the central repository.

#### Contempt of Court

When the City Court prepares a warrant, the statutory reference for the violation is placed on the warrant so that it is clearly marked as civil or criminal. In addition, warrants arising from criminal cases are marked “Criminal” and an NTA is also added to the warrant. This confirms what the Support Services Division indicated was happening with civil and criminal warrants.

#### Miscellaneous

One of the problems in the current process is that warrant information is still being transmitted between the Police Department and the City Court in paper form. Karen believes that a better approach would be to transmit the information electronically and to notify the City Court of an arrest in electronic form at the time of the booking.

One of the gaps in information that should be available centrally involves “minor in possession” cases, which are no longer maintained in the Motor Vehicle Division’s

records and are therefore available only from individual courts. This makes it difficult to get prior offense information from jurisdiction to jurisdiction.

No Contact Orders are faxed by the City Court to the Support Services Division (SSD). Protection Orders are faxed to the Civil Bureau and then forwarded to SSD. The information is entered into the CJIN hot file by SSD staff.

Referrals to other courts are rarely if ever done. This may occur if a case is found to be in the incorrect jurisdiction.

Karen felt that it was extremely important for the local criminal justice agencies to work closely together to make sure that cases and information flowed smoothly through the process. She also believes that this cooperation was in place in Helena.



## **Business Practices Analysis Criminal History Data**

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*State of Montana  
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### **Interview Minutes Lewis & Clark District Court Clerk October 23, 2001**

Individual(s) Interviewed:

Nancy Sweeney, District Court Clerk, First Judicial District Court, Lewis & Clark County

Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

Role in Agency: Directs and manages court administrative actions

As Clerk of the District Court, Nancy is very familiar with the MANS sheet. Her office is also participating in the pilot project involving installation of a CJIN terminal at the court and the use of court data or M\*ECourt screens. This will allow disposition data to be entered directly into the criminal history central repository by District Court staff. Training on the use of the screens was to begin on Oct. 24.

According to Nancy, the MANS sheet follows the adjudication process through disposition. The process occurs as follows:

1. The Justice Court holds the preliminary hearing and, if the case involves a felony and the County Attorney has decided to prosecute, it is forwarded to District Court.
2. When the County Attorney is ready to file charges, his office obtains a docket number from the District Court.
3. The MANS sheet is transferred from the County Attorney's office, as well as the Information document prepared by the County Attorney.
4. The District Court enters identifying information from the MANS sheet into JCMS. The data used from the MANS sheet are: MANS number and date, social security number, and date of birth. JCMS is set up to accept only the standard formatting of the MANS number in order to avoid incorrect entries.

5. As a new step in the process, the District Court is checking to see if all docket numbers have MANS numbers; if not, the information is passed on to the judge assigned the case so that the judge can direct that fingerprints be taken.
6. The charges as filed by the are taken from the Information and are entered into JCMS. If charges are amended, the charge is given a new charge number in JCMS; however, these are amendments made by the court, not any previous amendments that occur earlier in the process. If the Information includes additional names that are not on the MANS sheet but are contained in the County Attorney's data, this data is not forwarded to the central repository.
7. The Judgement is prepared by the County Attorney's office in WordPerfect and sent to the District Court. Sentence Review Forms are also prepared by the County Attorney's office; these are sent to the defendant and to the Department of Corrections.
8. The Judgement is entered into JCMS in a free-text field. The Judgement is entered into the MANS sheet; a copy of the actual Judgement is attached and both documents are mailed to the CJIS central repository. Mailings are done daily. In the new pilot project, a CJIN terminal will be used in place of the MANS sheet to send dispositions to the central repository, it is not clear to staff how the judgement will be sent to the repository.
9. If a case involves a deferral, the "goldenrod" color copy of the MANS sheet (which has been retained in the docket file) is filled out and sent to the central repository. However, documents are being imaged in docket files and the MANS copy may not be available in all cases; consequently, and the information on deferrals may not be treated the same in these situations. In addition, it is not clear to staff yet how these cases are to be handled with M\*ECourt.

#### Combined Felony/Misdemeanor Cases

In this district, cases involving both misdemeanor and felony charges are almost always combined into one complaint and handled by the District Court. If a split occurs, according to the Court, the County Attorney decides which court gets the MANS sheet.

#### Appeals

It is not clear to District Court staff what happens to the MANS sheet in cases that have been appealed from Justice Court to District Court. It may be that the MANS sheet is included in the case file when the file is returned to Justice Court.

If a District Court decision is appealed to the Supreme Court, the information that the appeal has been filed is not forwarded to the CJIS central repository. If a case is remanded back to the District Court for a new trial, this information is also not forwarded to the repository.

#### Plea Agreements

If the case is disposed by a plea agreement, this fact is not reflected on the MANS sheet. It is reflected on the Sentence Review document, which does not go to the central repository.

#### Post Conviction Relief

Post-conviction relief (change of sentence by the sentencing court) reopens the case in JCMS. The “goldenrod” copy of the MANS sheet (if it is still available in the file) is completed and sent to the CJIS central repository. The court may also send the repository a copy of the judgement, but this document does not have the MANS number on it.

#### Notice to Appear (NTA)

When a case is referred to District Court as a result of a NTA, the County Attorney includes a directive to report to booking in the NTA. If a preliminary hearing is waived, it is possible that an individual may not be booked. However, the newly instituted checks comparing docket numbers with MANS numbers should address this situation.



## **Business Practices Analysis Criminal History Data**

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*State of Montana  
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### **Interview Minutes Lewis & Clark Justice Court October 23, 2001**

Individual(s) Interviewed:

Judge Wally Jewell, Justice of the Peace

Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

Role in Agency: Justice Court Judge

All new cases are brought to Justice Court for initial appearance. The misdemeanor cases are retained in Justice Court and the felony cases (as well as most cases with both felonies and misdemeanors) are forwarded to District Court. Felony cases are not usually charged in District Court first, without going to Justice Court.

Cases beginning in Justice Court usually follow this process:

1. For cases resulting from an arrest, the MANS sheet is sent over by the jail for the initial appearance. The court receives the MANS sheet and a booking sheet, but not fingerprints.
2. If the case results from an NTA, the offender will appear in Justice Court and will be ordered to the jail for booking, then the offender will be returned to Justice Court. It is up to the Court to determine if booking is necessary.
3. If the case involves a misdemeanor, the case will be adjudicated in Justice Court. It can be appealed to District Court.
4. If the case involves a felony, the individual appears in Justice Court where decisions are made on bail and bail conditions, and a preliminary hearing is scheduled for Justice Court (this hearing can be waived by the defendant). The Justice Court sends the MANS sheet to the County Attorney. The County Attorney then files charges in District Court.
5. If a plea agreement is reached that results in a felony charge being reduced to a misdemeanor conviction, this disposition will be recorded on the MANS sheet; the Justice Court fills in the Prosecutor Section in this case.



6. Cases completed in Justice Court are recorded on the MANS sheets and sent to the CJIS central repository.

If a case is split between Justice Court and District court (which is not a common occurrence in Lewis & Clark County), the Justice Court fills out the MANS sheet to reflect the misdemeanor disposition and transfers the sheet to the District Court. Under this situation, it would be possible to have a misdemeanor conviction that is not reported to the central repository until a disposition was rendered in District Court and the MANS information is finally forwarded on to the state. If the misdemeanor is dismissed by the County Attorney, the MANS sheet will be transferred from Justice Court to the County Attorney.

#### Warrants

The Justice Court never receives cases involving warrants from other counties or jurisdictions. The only warrants that result in court appearances are those generated from this jurisdiction.

#### Appeals

If a misdemeanor case is appealed, it is sent to District Court. If the case is appealed, the entire file including the MANS sheet is sent to District Court. No disposition is sent to the CJIS central repository since the case is still considered open.

#### Probation Violations

Only domestic violence cases can lead to possible involvement by Probation and Parole at the Justice Court level. If a probation violation is filed as a Title 46 violation, a new MANS sheet is created that does not show the original charges for which probation was being served. As an example, the County Attorney may issue a petition to revoke probation, referencing the earlier court docket number, with a warrant for the arrest. However, it is not clear which MANS number is used for the Title 46 violation.

#### Miscellaneous

The Justice Court gets few calls about missing dispositions on relatively recent cases; most of the calls involve cases that are over five-to-six years old. In the Court's opinion, the current system to report dispositions seems to be working. The Court also feels that there are no real gaps in the information received from law enforcement.

The JSI Full Court software has been installed. It is intended to include a central repository. The fields maintained include the MANS number and much of what is on the MANS sheet.



## **Business Practices Analysis Criminal History Data**

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*State of Montana  
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### **Interview Minutes Lewis & Clark District Court Judge McCarter October 24, 2001**

Individual(s) Interviewed:

Judge Dorothy McCarter, First Judicial District

Interviewers:

Wilbur Rehmann, MCJISP

Janet Jessup, TRW

Role in Agency: District Court Judge

Each county is different in the manner in which judgements are handled (who produces the document, format used to produce the judgement). In the First Judicial District, the County Attorney's office prepares the Judgement as a WordPerfect document.

The Judges never see rap sheets unless they are included in a pre-sentencing report. Judges are only allowed by statute to receive this information from the prosecuting attorney, defense attorney, or probation/parole staff.

A large number of deferred cases (imposition or sentence) are never returned to court because the defendant does not petition the court to resolve the case.

Probation cases always include conditions prohibiting possession of a weapon, moving from the current residence without permission, or association with felons. Cases involving alcohol, drugs, and gambling will have conditions reflecting those issues.

Most jury trials are appeals from Justice Court. If fingerprints are needed, the County Attorney will indicate that.

Amendments of filed charges are reflected in the charging document ("Information"), usually at the time of the plea agreement. The change is also reflected in the Judgement, where a notation is made that the state moved to amend the charges and that a particular

charge or charges were dismissed. Not enough staff is available to reflect this in the JCMS system.



## **Business Practices Analysis Criminal History Data**



*State of Montana  
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### **Interview Minutes Probation and Parole Bureau Staff October 25, 2001**

Individual(s) Interviewed:

Mike Touchette, State Adult Probation/Parole Officer

Interviewers:

Wilbur Rehmann, MCJISP

Janet Jessup, TRW

Role in Agency: Probation Officer in the judicial district in Lewis & Clark County; DOC Employee

Probation Officers (PO) are Department of Corrections employees and are assigned to the various judicial districts. In addition to DOC responsibilities, the PO prepares pre-sentencing reports for the courts.

#### **Post-Sentencing Activities**

POs receive the Judgement and Commitments rendered by the court from either the County Attorney's office or the Clerk of the Court; the source differs from district to district. If the offender is being sentenced to serve time at one of the state prisons or to DOC for commitment to various other facilities or programs, the PO must fill out a form called a Notification of Offenders Sentenced to DOC or MSP/MWP. This form is sent via e-mail to various DOC offices including Ryanne Schulte at the headquarters in Helena, who will review the information for quality control purposes and enter it into ACIS.

According to Mike, a DOC packet is subsequently prepared with various documents including the fingerprint card for the individual (which is requested by the PO). This packet goes to Prison Records in Deerlodge (Janet Cox). He believes this may be the way that the intake of DOC commitments that do not serve at any of the state prisons gets relayed to the central repository for inclusion in the criminal history record.

### Probation and Parole Violations

Mike confirmed the process currently used by the jail facility for offenders being booked at the Lewis & Clark jail for probation or parole violations. The PO no longer has any responsibility for the MANS sheet, and no MANS number is issued for these bookings until court action, in the case of probation violations, or action by the Board of Pardons and Parole, in the case of parole violations.

The process used for booking probation violators is as follows:

1. If the offender is in custody by the PO, they are taken to the jail to be booked and held. The PO has 12 hours to complete a warrant so that the offender can be held for the initial appearance in Justice Court.
2. If the offender is picked up on an arrest warrant, they are booked in jail and held for the initial appearance.
3. No MANS sheet is used for the booking, nor is a MANS number requested. The identifier used for the booking is the original court docket number.

The process used for booking parole violators is as follows:

1. The individual is booked into jail; no MANS sheet or MANS numbers are used for this jail hold.
2. An on-site preliminary hearing will be held at the jail (unless the individual waives the hearing) with a DOC Hearing Officer. If probable cause is established, the offender will continue to be held.
3. The Board of Pardons and Parole takes action on any proposed revocations.

### Miscellaneous

Out-of-state probationers and parolees supervised according to an interstate compact can be held for up to 90 days for violations.

Mike commented that the lack of disposition information in the criminal history records is a problem for POs.

Individuals held in a county jail are not in DOC custody.



## **Business Practices Analysis Criminal History Data**



*State of Montana  
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### **Interview Minutes Lewis & Clark Sheriff's Office/City of Helena Police Department October 25, 2001**

Individual(s) Interviewed:

Jim Thomas, Captain, Helena PD; Project Manager, Integrated Justice Public Safety System  
Dave Rosecrans, Administrator, Support Services Division (SSD)  
Laurie Gladeau, TAC for SSD

Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

Role in Agency: see description of Support Services Division, below

Support Services Division

According to the Helena Police Department's public information, the Support Services Division consists of law enforcement and 911 dispatchers, and the law enforcement records division. The Support Services Division is a joint operation between the City of Helena and Lewis and Clark County but is operated by the Helena Police Department. The Records Division is the central repository for all law enforcement reports and records generated by Helena Police Department and the Lewis and Clark County Sheriff's Office. All alarms, warrants, arrest records, fingerprint cards etc. are handled through the division.

Processing of Arrests and Bookings

**Note:** the same process is used for both Helena Police Department cases and Lewis & Clark Sheriff's Office cases.

The Justice Court and City Court staffs pick up the completed Notice to Appear (NTA) forms each morning; these are NTAs that have been issued in the past 24 hours. Each court also picks up arrest warrants from their respective courts that have been served and have resulted in an arrest.

If an individual appears in court and has not been booked, they are sent over to booking at which time a MANS number and MANS sheet will be prepared and sent along with the person as they are escorted back to the court. There are exceptions to this, which are discussed below.

If the incident starts with police or sheriff action, the process is as follows:

1. When the officer calls in the incident, Dispatch obtains a MANS number and forwards that number to the jail (using a printed copy of the CJIN reply or by writing the number on the incident report or by calling the jail). **NOTE:** A pilot project underway with the MTDOJ CJIS Division involves the use of the jail's live scan machine and the CJIN Lynxx system; in this pilot, the jail obtains the MANS through the CJIN terminal, and dispatches are not involved in the MANS process.
2. At booking, the jail fills out the MANS sheet, which is taken to Justice or City Court at the time the individual is taken over for the initial appearance.

If the process begins with an NTA, the individual is booked and a MANS sheet is filled out if appropriate (see exceptions below). Staff indicated that usually individuals do not show up for booking in response to a NTA prior to the initial appearance. If they do, they are instructed to go to the initial appearance first, at which time the booking will be ordered.

MANS numbers are also obtained for Restitution Order arrests and No Bond Arrests.

When the offender is taken to Justice Court, any documents not already picked up by the court will be sent along with the MANS sheet (such as citations, probable cause, police report).

No changes are made to the charges on the MANS sheet after the fingerprint card has been forwarded to the state. Since the jail uses a live scan unit to send these prints, no changes are made to the MANS sheet even if it remains in the booking unit after the prints have been forwarded electronically.

All MANS sheets are sent along with the offender to the appropriate courts, which are responsible for forwarding the form to the CJIS central repository. The court returns a copy of the disposition to the appropriate law enforcement agency where it is included in the case file ("booking jacket").

#### Exceptions to the Issuance of MANS Numbers

Working with the state and with the local criminal justice agencies, SSD and the jail have developed procedures to be used when a MANS number should not be issued. In these cases, no report is forwarded to the CJIS central repository:

Probation/Parole Jail Sanctions (or “Holds”) and Probation/Parole Violations: At the time of initial booking for jail sanctions or probation/parole violations, no MANS number is obtained and the MANS sheet is not filled out. A MANS number and sheet will be issued when the court takes action on these cases and the offender is sent back to booking. Each court uses a court “appearance sheets” to order the booking process; these forms vary slightly from court to court. The court docket number is used to tie the original charges to the probation/parole violation; the court places this number on the documentation sent over to the jail.

Intra-Jurisdictional Writs for Custody: When individuals in custody in other states or in federal custody are placed in the Lewis & Clark jail for prosecution or to provide testimony, no MANS number is issued.

Federal Arrests: Staff believes that there is no MANS issued for these arrests.

Contempt of Court: If the warrant is clearly marked, no MANS number is issued. However, the warrants are not always marked in such a way as to distinguish civil and criminal cases.

#### Violations Committed in Jail

If a chargeable violation is committed while an offender is in jail, a police report is prepared and forwarded to the County Attorney (for felonies) or to Justice Court (for misdemeanors). If charges are filed, a new MANS number is issued prior to the offender’s initial appearance.

#### Other Unique Identifiers

An Incident Number is assigned by Dispatch at the outset of a police call. A DR (Department Report) number is assigned to each police report.





## **Business Practices Analysis Criminal History Data**

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### **Interview Minutes Lewis & Clark Sheriff's Office/City of Helena Police Department Support Services Division Follow-Up November 1, 2001**

Individual(s) Interviewed:

Laurie Gladeau, SSD TAC

Interviewers:

Janet Jessup, TRW

A follow-up telephone interview was conducted to clarify some of the procedures discussed during the Oct. 25 interview.

First, jail staff handle both fingerprinting and preparation of the MANS sheet; MANS sheets are sent to SSD each morning. SSD then disperses the MANS sheets to the appropriate recipients. According to Laurie, the MANS forms are correctly prepared when they are received by SSD, so if there are any errors (such as no MANS number needed or incorrect ORI), the jail must be catching these before sending the sheet to SSD.

The general rule used for fingerprinting and MANS numbers is that the two go "hand-in-hand." In other words, MANS numbers are issued only when fingerprints are taken (the exception would be for identification purposes only).

MANS numbers are issued after an arrest that occurs as a result of an arrest warrant (except arrest warrants which are issued for contempt of court). The MANS is not issued as the same time as the actual arrest warrant but at the time the person is booked as a result of the physical arrest.

When an offender is fingerprinted and a MANS sheet completed after being sent over by the courts (such as in response to an NTA), the usual procedure ordered by the court is "book and release." In these cases, the MANS sheet does not accompany the person but is forwarded by the jail to the court for pickup or delivery the next morning.

In revisiting earlier questions about arrests related to Restitution Orders and No Bond Arrests, Laurie was not sure whether fingerprinting and a MANS number are included for Restitution orders; however, she said both are done for No Bond Arrests.

Fingerprinting is not done for individuals booked pursuant to a writ, nor is a MANS number issued. Fingerprinting is also not done for probation/parole violations and jail sanctions.



## **Business Practices Analysis Criminal History Data**

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### **Interview Minutes Lewis & Clark Attorney's Office/Follow-Up Questions November 2, 2001**

Individual(s) Interviewed:

Shelley Gleich, Support Staff, County Attorney's Office

Interviewers:

Janet Jessup, TRW

A telephone interview was conducted to clarify some of the information received during the October 24 interview.

When the County Attorney declines to file charges, he will indicate this at the initial appearance before Judge Jewell. The court will dismiss charges and complete the MANS sheet.

The County Attorney can issue a Notice to Appear (NTA) without filing it in court first. The NTA goes to either the Police Department or Sheriff's Office Civil Department to be served to the individual. The Complaint and NTA are subsequently filed in court at the initial appearance.

The County files Restitution Orders (Order to Show Cause) and Petitions to Revoke Bond in Court (either Justice Court or District Court if an existing case is involved and is already in District Court) and obtains an arrest warrant at that time.

Sometimes the law enforcement agencies will go directly to court to obtain an arrest warrant, and the County Attorney is not involved; they will sign the complaint before the judge.

Docket numbers are obtained by the County Attorney from the court between the initial appearance and the preliminary hearing. The County Attorney uses the format provided by the Court. The format reflects which judge is assigned to the case:

ADC-year-number = district court judge A (such as ADC-2001-next number)

BDC-year-number = district court judge B

CDC-year-number = district court judge C

**Information Centric View Table, Glacier County**  
**MTDOJ Business Practices Analysis**

The following information on data sets developed for criminal history records was derived from interviews conducted on October 29, with criminal justice agencies in Glacier County and the City of Cut Bank. Errors in the representation of this information may result from confusion caused by different terminology used in the various agencies and from the limited time available to identify all possible variations of triggering events.

Because the interviews were conducted with all the agencies at the same time, the process described is based on data set by event, not data set by agency, as was done in the Lewis & Clark County View. The limited time available for this interview resulted in less detailed information than the interviews conducted in Lewis & Clark County.

This table is based on preliminary research contained in the SEARCH report entitled *Planning the Integration of Justice Information Systems: Developing Justice Information Exchange Points* (Search, March 2000). It does not reflect recent and ongoing modifications to the research model.

***Notes:***

1. An asterisk denotes gaps in information flow or inconsistencies in internal procedures.
2. If no action is taken to create criminal history information for the CJIS Central Repository, the entry under the Receiving Agency and Subsequent Events columns will be labeled as “none.”

DATA SET	EVENT	AGENCY	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
Arrest	Physical arrest after incident	Police Department (officer)	MANS number requested from Sheriff's Office dispatcher; MANS sheet filled out by Police Officer and fingerprints taken	City Clerk (paper form)	City Clerk receives MANS sheet from Police and forwards it to the Justice Court Clerk; fingerprints forwarded to CJIS central repository
	Physical arrest after incident	Sheriff's Office (deputy)	MANS number requested from Sheriff's Office dispatcher; deputy involved in arrest fills out the MANS sheet, takes fingerprints, and forwards both to Sheriff's Office TAC	Sheriff's Office TAC (paper form)	Sheriff's Office TAC sends misdemeanor MANS sheets to Justice Court and felony MANS sheets to District Court (can occur at any time after the arrest); TAC sends fingerprint card to state for input into AFIS
	Physical arrest by federal agency for federal violation	Federal agencies, such as INS, Customs, and BIA	Offender brought to the County Jail for fingerprinting and custody	County Jail (in person)	Jail uses Sheriff's Office ORI for fingerprinting and obtains a MANS number; no MANS sheet is filled out*
	Physical arrest by federal agency for state violation	Federal agencies	Sheriff's Office picks up the offender for booking; also picks up report prepared by the arresting agency	County Jail (in person; paper form of report)	Offender is booked under the Sheriff's Office ORI and MANS number/MANS sheet are completed; case report sent to County Attorney
	Physical arrest by Montana Highway Patrol	Highway Patrol	Highway Patrol brings the offender to County Jail for booking	County Jail (in person)	Offender is booked using the Highway Patrol's ORI and MANS number/MANS sheet are completed; case is filed in District Court and prosecuted by the County Attorney
	Arrest and booking for Probation Violation	Sheriff's Office	Offender booked but no MANS number is requested and no MANS sheet is prepared	None (no MANS sheet)	None

DATA SET	EVENT	AGENCY	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
Arrest (cont.)	Arrest and booking for parole violation	Sheriff's Office	Offender held pending DOC action; no action in court	None	None (DOC matter)
	Arrest on Contempt of Court warrant	Sheriff's Office or Police Department	MANS number requested only for criminal cases; sent to state (note: Sheriff's Office TAC and Court Clerks try to check that MANS sheets are for criminal cases only)	CJIS Central Repository (paper form)	CJIS staff input data into criminal history records
	Case report on offense(s) completed	Sheriff's Office or Police Department (or Federal agencies; see above)	Law enforcement agencies leave case reports in County Attorney's mailbox in the Courthouse or deliver the report directly to his office	County Attorney (paper form)	County Attorney reviews report for preparation of Motion for Leave to File Information with either the Justice Court (for misdemeanors) or District Court (for felonies or combined felony/misdemeanor cases)
	Officer issues Notice to Appear (NTA)	Sheriff's Office or Police Department	NTA sent to appropriate court	Justice or District Court (paper form)	After arrest, Police Department may fingerprint offender for police records only; District Court clerk checks court docket file to determine if booking is needed
Prosecutor Charges	Initial appearance in court	County Attorney	County Attorney presents Motion for Leave to File Information in court	Justice or District Court	If motion is granted, County Attorney prepares Information
	Information filed in court	County Attorney	County Attorney presents case file (including the Information) to the appropriate court	Justice or District Court (paper form)	Court clerk removes documents needed for the court docket file, makes copies and returns the County Attorney's file to him

DATA SET	EVENT	AGENCY	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
<b>Dispositions</b>	Offender appears in District Court in response to a Notice to Appear or informal arrangement	District Court	If booking has not occurred, District Court Clerk places notice in file requesting the judge to order the individual to report to booking	District Court Judge (paper notice in file)	Judge orders offender to report to the jail for fingerprinting; MANS number and sheet completed at that time and forwarded to Sheriff's Office TAC. Some individuals may not report as ordered.*
	Offender appears in court after arrest for Contempt of Court; court action results	Justice or District Court	Individual brought to either Justice or District Court; MANS number and MANS sheet should have been completed only for criminal cases and are mailed to state	CJIS Central Repository (paper form)	CJIS staff enters MANS data in criminal history record
	Revocation of probation and/or conviction of probation violation	District Court	District Court Clerk uses "goldenrod" copy of MANS sheet to send disposition to state	CJIS Central Repository (paper form)	CJIS staff enter disposition in criminal history record
	Judgement prepared for court	County Attorney	County Attorney prepares Judgement in Word	Justice or District Court (paper form)	Judge reviews judgement for signature
	Judgement rendered and signed by judge	Justice or District Court	Court Clerk enters judgement into court records management system and completes disposition portion of MANS sheet for mailing to state	CJIS Central Repository (paper form)	CJIS staff enters disposition from MANS sheet into criminal record



DATA SET	EVENT	AGENCY	EXCHANGE CONDITIONS	RECEIVING AGENCY (FORMAT)	SUBSEQUENT EVENT
Dispositions (cont.)	District Court renders decision in case that was appealed from Justice Court	District Court	District Court enters judgement into court records management system; no disposition information is forwarded to state	None	None (MANS sheet was previously submitted to the state by Justice Court and was not part of the District Court docket file)*
	District Court case appealed to the Supreme Court	District Court	When a change occurs in the original judgement, the goldenrod copy of the MANS sheet is completed and mailed to the state	CJIS Central Repository	CJIS staff enters disposition from MANS sheet into criminal record
	Deferred imposition case dismissed in District Court	District Court	When the case is dismissed or the judgement otherwise changes, the goldenrod copy of the MANS sheet is completed and mailed to the state	CJIS Central Repository	CJIS staff enters disposition from MANS sheet into criminal record



# **Business Practices Analysis Criminal History Data**



*State of Montana  
Department of Justice*

## **Interview Minutes Glacier County Criminal Justice Agencies October 29, 2001**

### Individual(s) Interviewed:

Larry Epstein, Glacier County Attorney  
Diane Anderson, District Court Clerk for Glacier County (in the 9<sup>th</sup> Judicial District)  
Bonnie Martin, Justice Court Clerk  
Sue Grimm, Glacier County Sheriff's Office (TAC)  
Gary Racine, Glacier County Sheriff  
Sandy Van Skyock, Probation Officer, DOC Probation and Parole Bureau  
Scott Murray, Cut Bank Police Department

### Interviewers:

Wilbur Rehmann, MCJISP  
Janet Jessup, TRW

### Role in Agency: Criminal Justice Agencies in Glacier County

*Note:* The Justice and City Courts use the same judge, who holds court on Tuesday and Wednesday afternoons. The District Court judge handles four counties and holds court in Glacier County every two weeks on the first and third Wednesdays of the month; Glacier County has the largest caseload of all four counties. Justice Court is not yet using the new Full Court software and is still using LJCMS; the District Court is using JCMS. The Police Department has installed the IMC records management software provided by the Board of Crime Control, and the Sheriff's Office is using Swift software. The Glacier County Attorney serves part time.

After an introduction by Wilbur and an explanation of the project, discussion began on the arrest cycle as handled by the various agencies present during the interview.

### Arrests

Fingerprinting after an arrest is done by the Cut Bank Police Department (PD) at their facility, even if the individual is taken over to the jail for booking. The Sheriff's Office (SO) handles fingerprinting for all SO arrests and for any bookings resulting from arrests by other jurisdictions. The PD and SO fill out their own MANS sheets. The PD uses the

SO's dispatch, and obtains the MANS number through dispatch (the PD does not have a CJIN terminal).

The PD sends the MANS sheet to the City Court Clerk, who is located in the same building as the PD (note: this may not always be the case; see the discussion about the District Courts, below). The City Court Clerk mails the MANS sheet to the Justice Court Clerk.

The SO sends the MANS sheet to the Justice Court for misdemeanors and to District Court for felonies. The sheet is forwarded directly to the court and does not accompany the defendant to the initial appearance.

According to the interviewees, a couple of weeks may pass before the courts receive the MANS sheets. According to the District Court, the Information filed by the County Attorney may be received first. Since the Information does not indicate who the arresting agency is, the clerk looks at the list of witnesses to determine which jurisdiction was the arresting agency.

If an arrest is made by a federal law enforcement agency (such as Customs, INS, and the BIA) for a federal violation, and the individual is brought to the Glacier County jail to be held, the individual is printed using the SO's ORI. The SO obtains a MANS number but no MANS sheet is filled out for these federal arrests; staff indicated that this procedure is being used pursuant to the ID Bureau's instructions. (Note: this causes a gap in information at the CJIS central repository because there is a MANS number with no fingerprints.) The SO may also be using their own ORI for arrests from other jurisdictions (non-federal).

If the arrest is made by a federal agency for a state violation, that agency writes up a report for the SO. The SO sends a deputy to pick up the individual, who is booked under the SO's ORI. The County Attorney prosecutes the case.

If the Highway Patrol makes an arrest, the individual is booked using the HP's ORI. The case is filed in District Court and prosecuted by the County Attorney.

The only fingerprints taken for identification purposes are for weapons permits and sexual offender registrations. The SO does not currently have a live scan or card scan unit but may be able to access the INS live scan unit in the future.

The SO TAC noted that sometimes there is a fingerprint on the MANS sheet as an identifier but that this does not always occur. There was some confusion about the requirement for this procedure.

#### Documents Received and Produced by the County Attorney

The County Attorney does not receive the MANS sheet at any point in the process. The County Attorney is notified of a case when he receives the PD or SO case report; these reports are forwarded to his mailbox in the courthouse or delivered to his office. The

County Attorney was not aware that there is a portion of the MANS sheet that is intended to be filled out by the prosecutor.

The County Attorney uses the law enforcement agency's case report to prepare a Motion for Leave to File Information with the court. After reviewing this Motion, the court can issue an order to grant leave to file the Information.

The County Attorney then takes his file on the case (which includes the original law enforcement case report, Motion, and Information) to either the Justice or District Court. The court staff pulls out the documents needed for the court docket file, makes copies, and places the copies in the County Attorney's file. The file is then returned to the County Attorney.

#### No Physical Arrest/No MANS

If a Notice to Appear (NTA) is for City Court, the PD will usually fingerprint the defendant for their records but they do not request a MANS number or prepare a MANS sheet. Individuals may also appear in court (Justice or District) without having been fingerprinted through an informal arrangement between the County Attorney and the defendant's attorney.

In District Court, if the court file for any type of case does not include a MANS sheet, the Court Clerk will include a notice in the file that goes to the judge. This notice, which is printed on lime-colored paper, indicates that the individual should be fingerprinted at the SO's office after the court appearance.

#### Misdemeanor and Felony Cases

Almost all felonies in Glacier County go straight to District Court for the Initial Appearance. The exceptions are DUIs when it is not clear at the outset of the case that the DUI is the fourth for the defendant and therefore is a felony violation. Justice Court handles misdemeanors and may hold arraignments on probation violations (see below).

Cases involving both felonies and misdemeanors are usually combined and prosecuted in District Court. If the case is split between the two courts, there is confusion about what to do with the one MANS sheet.

#### Partner and Family Abuse Cases

Partner and family abuse cases are usually misdemeanors, and are handled by Justice or City Court.

#### Contempt of Court

The Justice Court is aware that MANS sheets are only required for criminal contempt of court. Neither court issues contempt of court citations very often, if at all.

#### District Court Follow-Up on MANS Sheets

The District Court actively looks for MANS sheets in the case files that come to the court. (Note: the Court refers to the MANS sheet as the "Disposition Sheet.") The

Court indicated that they are not always getting these forms for City arrests. The PD believes that these sheets are sent to the SO, but the SO indicated that they do not always receive them.

If the District Court cannot find the MANS sheet, the staff will notify the Judge to instruct the individual to be printed using the lime-colored notice that is included in the file before the judge. However, the court does not always have a deputy in the courtroom to escort the defendant to booking, so there are occasions when the defendant does not go to booking to get printed.

Because the District Court Clerk's office understands the importance of sending in disposition information to the CJIS central repository, her office continues to try to get a MANS sheet from the appropriate law enforcement agency. However, if no MANS sheet with the accompanying MANS number can be obtained, the Clerk does not send any information on the case to the CJIS central repository.

#### Probation Violations

Probation violations can go to Justice Court for a courtesy arraignment if the District Court Judge is not available; otherwise, they go to District Court. The Justice Clerk has never seen any MANS sheets for the probation violation, and the SO confirmed that no fingerprints or MANS numbers/sheets are obtained for these cases. The District Court uses the goldenrod copy of the MANS sheet to record any court action on the probation violation, and sends this copy to the CJIS central repository.

The Probation Officer confirmed that parole violations are not processed through the courts.

#### Deferred Prosecutions and Sentences

According to the District Court, the MANS sheet is sent at the time of the deferral. On the dismissal date, the Court notifies the County Attorney and/or the Court-appointed counsel that no petition has been filed. When the court takes action on the petition, the Clerk sends in the goldenrod copy of the MANS sheet to indicate the Court's decision.

#### Judgements

The County Attorney prepares the Judgements using Word. The courts no longer send a copy of the judgement along with the MANS sheet to the central repository.

#### Dispositions

When a judgement has been rendered, both Justice and District Courts complete the MANS sheet and send them in by mail to the CJIS central repository. District Court mailings are done at the time the form is completed; Justice Court mails once a week.

#### Appeals

When a case is appealed from Justice Court to District Court, the Justice Court has already sent in the MANS sheet with the original Justice Court decision. According to

the District Court, when the District Court decision has been rendered, the judgement is entered into court records and the file is closed.

When a District Court case is appealed to the Supreme Court, the District Court reports to the CJIS central repository only when the original judgement changes. This is reported using the goldenrod copy of the MANS sheet.

#### Other Identifiers

The SO's Dispatch assigns a booking number, the OCA, at the time an incident is called in. The PD does not use this number; instead, the IMC software used by the PD assigns an arrest number to their cases. Both the PD and SO assign case numbers to their police reports; these numbers are not shared with the courts.

#### Resolution of Problems

The county has a relatively low caseload and the staff in the various agencies is familiar with both the staff and procedures of other agencies. Any gaps in information or communication can easily be resolved with a phone call. The close working relationship among the various agencies helps move cases through the system. Changes and adjustments in procedures for a specific case can be handled through informal agreements.

In addition, there is a significant name familiarity in the county; many of the cases are linked not by identifiers but by the name of the defendant. This is possible because of the low caseload; for example, the District Court typically has 70-77 cases per year.